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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,810	06/24/2003	Ki Chul An	51876P345	1093

8791 7590 08/08/2007
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EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/602,810		AN	
	Examiner		Art Unit	
	/BINH K. TIEU/		2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/20/06 & 6/24/03, 3/2/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lerche et al. (European Patent: EP 0 638 184 B1) in view of Castell et al. (Pub. No.: US 2002/0132607) or Groenendaal et al. (Pub. No.: US 2004/0005873).

Regarding claims 1, 5, 7, 9, 11, 12, 13 and 14, Lerche et al. ("Lerche") teaches a data processing system included a ring network connected to a network server, as shown in figure 1. The system comprises an adaptor, which performs an assembling and scanning of substantially all files on the network and carry out recognition of virus signature. The system further comprises a computer (i.e., computer 8), which is connected to the adaptor. The computer has means for providing information on the place of origin of infected data. The computer also has a neural network in form of a program having means for recognizing or detecting a virus signature. The computer further comprises means for transmitting a so-called "vaccine" to other computers infected by the virus (see page 3).

It should be noticed that Lerche teaches the virus detection and virus protection software implemented on computers in the data processing system. Lerche fails to teach such virus detection and virus protection software for implementing in a communications system and

wireless devices. However, such virus detection and virus protection software are obvious to be used in a communications system with wireless devices because of dealing with downloading of software as well as transmission of mobile messages (mobile messaging services) including transmissions of packets, frames, etc.. which are vulnerable for virus spreading.

Castell et al. ("Castell") teaches anti-virus software offers some protection for wireless messaging services from virus attack and virus spreading (see paragraphs [0008], [0028], and [0032]).

Groenendaal et al. ("Groenendaal") teaches a method and system for managing wireless devices from virus attack and virus spreading (see paragraphs [0045], [0055], [0071]-[0072]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of teachings of virus detection and protection software in a communication system with wireless devices, as taught by Castell or Groenendaal, into view of Lerche in order to prevent virus damages to data and/or files stored either at mobile terminals or at a central database of a telecommunications network.

Regarding claims 2-4, 6, 8 and 10, the combination of Lerche, Castell and Groenendaal also teaches all limitations of the claims.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morota et al. (Pub. No.: US 2003/0162575) and Korkishko et al. (Pub. No.: US 2006/0191011) each also teaches limitations of all claims 1-14. however, their filing dates fell behind the priority date of this application.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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/BINH K. TIEU/
Primary Examiner
Technology Division 2614

Date: August 2007